UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP - 3 2013

Honorable Charles J. Daniel
Borough of Califon
Municipal Offices
39 Academy Street
P.O. Box 368
Califon, New Jersey 07830

Dear Mayor Daniel:

This is in response to your request for a Categorical Exclusion (CATEX) from substantive environmental review requirements, pursuant to 40 CFR Part 6, for the Borough of Califon's proposed Railroad Avenue/Main Street Stormwater Improvements project located in Hunterdon County, New Jersey. As a project seeking partial funding through a federal Special Appropriation Act grant, the lead federal agency must comply with the National Environmental Policy Act (NEPA).

The Railroad Avenue/Main Street area of Califon experiences recurring severe flooding during heavy rainfall events where roadways and property structures are impacted, groundwater recharge is reduced, suspended solids and floatables bypass catchments, and septic systems are inundated. These flood waters degrade the quality of downstream receiving waters, like Frog Hollow Brook, which are classified as NJDEP Category 1 streams that drain to the South Branch of the Raritan River. The source of the flooding is attributed to two tributary streams and a series of rivulets that traverse a teardrop shaped 15.8-acre forested land known as the "Mitigation Tract," which is nestled between Main Street and Academy Street (County Route 512). Topography within the Mitigation Tract is mainly secondary growth forested uplands with pockets of palustrine forested wetlands on a northerly downward slope towards the South Branch of the Raritan River. As floodwaters overtop the streams and rivulet channels during storm events, an overland sheet flows directly towards the Railroad Avenue and Main Street area due to restricted flows through undersized and antiquated man-made drainage systems. This includes the mid- to late-19th century small open stone channel and stone masonry culvert, and associated piping that traverses under the firehouse parking area.

To alleviate the flooding situation, construction of the following "new minor ancillary facilities adjacent to or on the same property as existing facilities" is required to improve stormwater drainage within the project area: replacement of approximately 200 linear feet of existing piping and open channel extending from Main Street at the vicinity of Railroad Avenue to the western natural stream channel within the Mitigation Tract, construction of approximately 1,000 linear feet of larger sized stormwater conveyance relief piping within the Main and Mill Streets "rights of way", and construction of nine mini-diversions and recharge trenches from rivulets within the Mitigation Tract. Each trench will be approximately 25 to 50 feet long, 4 feet wide, and 6 feet deep and filled with sand/crushed stone and placed adjacent to a 10-foot wide earthen berm. These mini-diversion berms will divert overbank flows from the rivulets to the recharge trench for infiltration. The new relief pipeline will originate at the new diversion chamber, which connects to the eastern natural stream channel, and runs parallel to the existing stormwater drainage system with culverts along Mill Street and Main Streets. Diversion chambers are proposed at

intercepting crossings with existing cross-culverts. This new relief pipeline will provide additional capacity to the existing stormwater drainage system and convey flows not captured by the recharge trenches and discharge it to an existing channel at Mill Street, which drains to the South Branch of the Raritan River.

To construct the proposed mini-diversions/recharge trenches at the designated rivulet locations, small sized machinery, including a backhoe, mason dump truck, and similar equipment are required. Old access roads that traverse the Mitigation Tract will be used to maneuver the machines to reduce disturbances. A temporary access easement that extends from Railroad Avenue and aligns with the old access road will be used for initial access. Minor and temporary vegetation clearing, such as high grass and brush, will occur along the old access road which, in some areas, has been narrowed over time by overgrowth. Vegetation will also need to be temporarily removed to create short distance paths for the small machinery to safely reach the designated rivulet locations from the access road in order to construct the mini-diversions/trenches. During vegetation clearing activities, no mass trees or large trees will be removed and no wetlands will be impacted. Any vegetation areas temporarily disturbed will be restored to their original state with replanting of native vegetation in accordance with the terms of the Mitigation Tract deed. All invasive and non-native species will be avoided when replanting.

The Mitigation Tract exhibits riparian and floodplain features suitable to support maternity/roosting sites for the federally endangered Indiana bat (*Myotis sodalis*). Further, the site contains summer foraging habitat as it includes the upland, riparian, and floodplain forest dominated by trees greater than 5-inches diameter at breast height (dbh), with a relative density of at least 16 trees per acre. The area contains individuals of suitable tree species such as the shagbark hickory (*Carya ovata*), and it has been concluded that the site does contain suitable summer roosting habitat for Indiana bat. Pursuant to Section 7 of the Endangered Species Act, EPA completed informal consultation with the FWS concerning the presence of a potential summer habitat suitable to support the endangered Indiana bat at the project area.

In order to avoid impacts, EPA is requiring the following measures be implemented to protect the Indiana bat summer habitat during all phases of construction:

- No trees greater than 5-inches dbh will be removed.
- Tree removals will be prohibited between April 1 and November 15.
- Removal of any tree deemed to be a serious safety hazard at the time of construction will, when possible, be delayed until Indiana bats are hibernating between November 16 and March 31.
- No trees will be removed within 50 feet (preferably 100-150 feet) on each side of a stream bank or wetland boundary to maintain a forested buffer.
- Standing snags will be retained where they do not pose a serious human safety hazard.
- Stringent erosion and sedimentation control plan will be implemented to protect the NJDEP Category 1 streams and surrounding wetlands.
- Any necessary replanting will be done with native species, use of invasive and non-native species will be avoided.

Completion of this project will address the current flooding condition by greatly reducing stormwater overflows, which will enhance the water quality of stormwater and protect the Category 1 receiving waterways from further degradation while increasing groundwater recharge.

The project meets the CATEX eligibility criteria found in 6.204(a)(l)(ii) of EPA's NEPA implementing regulations. This category includes "actions relating to existing infrastructure systems (such as sewer systems, drinking water supply systems, and stormwater systems, including combined sewer overflow

systems) that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities."

This project does not involve a new or relocated discharge to surface or ground water, an increase in the volume or loading of pollutants to receiving water, or capacity to serve a population 30 percent greater than the existing population. Further, it is not contrary to any state or regional growth plan or strategy; and it is not primarily for the purpose of future development.

Additionally, the available information you provided concerning the proposed action indicates that none of the specific criteria for not granting a CATEX, found in 40 CFR 6.204(b)(1) through (b)(10), are present.

Based on our review, EPA approves the request for the CATEX. Please be reminded that EPA may revoke this CATEX if any of the following conditions occur:

-changes in the proposed action render it ineligible for exclusion,
-new evidence indicates that serious local or environmental issues exist, or
-federal, state, or local laws would be violated, or
-the habitat measures listed above are not followed.

In a closely related matter, EPA recommends that the Borough of Califon utilize environmentally sustainable practices during all phases of projects, including planning, environmental review, design, and construction. For your information and dissemination, we are enclosing recommendations for your consideration in this and future projects. EPA encourages environmental sustainability as a standard part of all projects.

This CATEX will be available on the EPA website at http://www.epa.gov/region02/spmm/r2nepa.htm.

Should you have any questions regarding this decision, please address them to Grace Musumeci, Chief, Environmental Review Section, at the above address.

Sincerely,

Judith A. Enck

Judith A. Enck
Regional Administrator

Enclosure

w/ enclosure
cc: Donald Scott, P.E., Keller and Kirkpatrick
Laura G. Eidsvaag, RMC, Municipal Clerk/Administrator, Borough of Califon

EPA Region 2
Green Project Recommendations and Resources
May 2013

EPA strongly encourages that the concepts outlined below be considered by those receiving federal grant assistance for water, wastewater, stormwater, or water quality protection projects. In this regard, project sponsors are encouraged to use local and/or recycled materials; to recycle materials generated onsite; to utilize low-emissions technologies and fuels; and to incorporate renewable-energy (e.g., solar, wind, geothermal, biogas, and biomass) and energy-efficient and environmentally sustainable technology in project design, construction, and operation.

- **Utilize Clean Diesel Technology** http://www.epa.gov/otaq/diesel/
  Diesel controls, cleaner fuel, and cleaner construction practices can be utilized for both on-road and off-road equipment used for transportation, excavation, and other construction activities. Particular consideration should be given to the following concepts:
  1) Strategies and technologies to reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and establishing and enforcing limits on idling time.
  2) The use of ultra low sulfur diesel fuel in non-road applications.
  3) The use of add-on control technologies like diesel oxidation catalysts and particulate filters, repowering, or newer, cleaner diesel equipment. http://www.mass.gov/dep/air/diesel/conretro.pdf
  4) Contract specifications can be used to require contractors to use advanced pollution controls and clean fuels. A model specification is available online at http://www.northeastdiesel.org/pdf/NEDC-Construction-Contract-Spec.pdf.

- **Use Alternative and Renewable Energy**
  The U.S. Department of Energy's "Green Power Network" (GPN) provides information and markets that can be used to supply alternative generated electricity. The following link identifies several suppliers of renewable energy.
  http://apps3.eere.energy.gov/greenpower/buying/buying_power.shtml

- **Incorporate onsite energy generation and energy efficient equipment upgrades into projects at drinking water and wastewater treatment facilities**
  Promote the use of captured biogas in combined heat and power systems and/or renewable energy (wind, solar, etc.) to generate energy for use onsite as well as upgrades to more energy efficient equipment (pumps, motors, etc.).
  http://water.epa.gov/infrastructure/sustain/goinggreen.cfm

- **Utilize Energy Star/Multi-media building and land design practices**
  Consideration should be given to including building practices which have multi-media benefits, including energy efficiency, water conservation, and healthy indoor air quality. Apply building rating systems and tools, such as Energy Star, Energy Star Indoor Air Package, and Water Sense for building construction. http://www.energystar.gov/index.cfm?c=business.bus_bldgs and http://www.usgbc.org/

- **Implement Water Efficiency**
  Water efficiency can make infrastructure systems more sustainable by reducing the quantity of water treated and distributed through the water supply system, and subsequently by the wastewater treatment and disposal systems. EPA is promoting water use practices that increase efficiency, eliminate waste, and conserve water resources, resulting in a decreased burden on our water resources. The WaterSense program, http://www.epa.gov/watersense, promotes the market for water-efficient products through the use of WaterSense-labeled products and the use of contractors certified through a WaterSense-labeled program. Water supply utilities can also decrease the burden on water and wastewater treatment systems by reducing the amount of drinking water lost from their leaking water distribution pipes. Additional details on the Sustainable Water Infrastructure can be found at http://water.epa.gov/infrastructure/sustain/index.cfm.

- **Source Management for Stormwater Runoff**
  Green infrastructure and low impact development approaches can reduce, capture, and treat stormwater runoff at its source. Site-specific practices, such as green roofs, downspout disconnections, rain harvesting/gardens, planter boxes, and porous pavements are designed to mimic natural hydrologic functions and decrease the amount of impervious area and stormwater runoff. Preserving and recreating natural landscape features can create functional and appealing site drainage that treats storm water as a resource rather than a waste product.
  http://www.epa.gov/nps/lid, and
  http://water.epa.gov/infrastructure/greeninfrastructure/

- **Encourage cost-efficient, environmentally-friendly landscaping**
  EPA's GreenScapes program provides cost-efficient and environmentally friendly solutions for landscaping. Designed to help preserve natural resources and prevent waste and pollution, GreenScapes encourages companies, government agencies, other entities, and homeowners to make holistic decisions regarding waste generation and disposal and the associated impacts on land, water, air, and energy use.
  http://www.epa.gov/wastes/conserve/tools/greenscapes/index.htm

- **Use recycled materials in highway and construction projects.**
  Many industrial and construction byproducts are suitable and available for use in road or infrastructure construction. http://www.epa.gov/osw/conserve/imr/index.htm Use of these materials can save money and reduce environmental impact. The Recycled Materials Resource Center has user guidelines and specifications for recycled material. http://rmrc.wisc.edu/

- **Safely Reuse and/or Recycle Project-related Debris and Waste**
  The *Federal Green Construction Guide for Specifiers* includes a construction waste management specification. http://www.wbdg.org/design/greenspec.php

- **Utilize environmentally preferable purchasing**
  Promote markets for environmentally preferable products by referencing EPA's multi-attribute Environmentally Preferable Purchasing guidance. http://www.epa.gov/epp